

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
(Both Cases)

SYNTHON PHARMACEUTICALS, INC.,)

Plaintiffs,)

v.)

5:10-CV-150-D

ELI LILLY AND COMPANY and)
ICOS CORPORATION,)

Defendant.)

ORDER

ELI LILLY AND COMPANY and)
ICOS CORPORATION,)

Plaintiffs,)

v.)

5:10-CV-402-D

SYNTHON PHARMACEUTICALS, INC.,)

Defendant.)

Synthon Pharmaceuticals, Inc. ("Synthon") filed an unopposed motion for an order granting an administrative stay of these actions until May 22, 2015. For good cause shown, Synthon's motion to stay is GRANTED.

IT IS HEREBY ORDERED THAT:

1. All proceedings in the above-captioned cases (except those required for implementation or enforcement of this order) shall be stayed until May 22, 2015.

2. The 30-month stay of FDA approval of Synthon's Abbreviated New Drug Application shall be tolled during the stay.

3. The court may lift the stay at any time or upon the application of any party if good cause is shown.

4. In exchange for Lilly's agreement to this requested stay, Synthon's Preliminary Invalidity Contentions, to be served pursuant to Local Civil Rule 303.3 following termination of the stay, will be limited to the contentions set out in the Paragraph IV Notice Letter sent by Synthon to Lilly on January 28, 2010. Synthon may seek leave of court to include in its preliminary contentions information which becomes known to Synthon during the stay.

The Clerk of Court shall administratively close this action until such time as the stay is lifted.

SO ORDERED. This 18 day of February 2011.


JAMES C. DEVER III
United States District Judge